IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.164 OF 2004
IN
SUMMARY SUIT NO.1127 OF 2003

Tata Finance Ltd. ....Plaintiff

V/s.

Rohit Automobiles Ltd. ....Defendants

Mr.Chirag Balsara i/b Mulla & Mulla & C.B. & C. for the Plaintiff.

None for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 19TH JANUARY, 2005.

P.C. :

1. The suit is filed to recover a sum of Rs.2,75,08,136=90 ps. together with interest on the principal sum of Rs.2.00 crore at the rate of 15% p.a. The Defendants were the acceptors of twenty one bills of exchange of the aggregate value of Rs.2,55,18,619/-.

2. The Defendants being unable to pay the amounts due in respect of the bills of exchange were permitted to treat a reduced amount of Rs.2.00 crore

as inter corporate deposit with the Plaintiff for 180 days carrying interest at 18% p.a. This was done on 24th October, 1998. The Defendants were unable to make payment in respect thereof either. On 17th November, 1998, a fresh inter corporate deposit was issued in respect of the said sum of Rs.2.00 crore. The Defendants also executed a demand promissory note for the said amount on the said date. The Defendants were unable to pay the same either when the Plaintiff demanded payment. In the circumstances, the Defendants were permitted to issue a fresh inter corporate deposit dated 4th January, 2001 in respect of the said amount of Rs.2.00 crore. The rate of interest for this inter corporate deposit was reduced to 15% p.a.

3. The Defendants had not seriously disputed their failure to pay the said amount. After the suit was filed, by a letter dated 10th July, 2003, the Defendants in fact acknowledged their liability in the sum of Rs.2,83,71,150/-.

4. The only defence in this regard is that the Chief Accounts Manager, who signed the acknowledgment did not have authority to sign. This is highly doubtful. In any event, the amounts are admittedly

due as aforesaid.

5. The Plaintiff has filed the compilation of the original documents. The same is taken on record and marked Exhibit "A" collectively.

6. In the circumstances, the Summons for Judgment is made absolute with costs. However, the interest after the date of the suit shall be at the rate of 12% p.a.

. Refund as per rules.

. For the purpose of refund of the court fees, parties including the Prothonotary and Senior Master are requested to act on an ordinary copy of this order duly authenticated by the Associate/Court Stenographer of this Court.